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Nos. 82-354, 82-355, 82-398

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE UNITED STATES, INC., *et al.*,

Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*,

Respondents.

CONSUMER ALERT AND PACIFIC LEGAL FOUNDATION,

Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*,

Respondents.

UNITED STATES DEPARTMENT OF TRANSPORTATION, *et al.*,

Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*,

Respondents.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF OF NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AS AMICUS CURIAE

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ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF OF NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AS AMICUS CURIAE

The National Association of Insurance Commissioners [NAIC] respectfully submits this brief as *amicus curiae*. The Court's decision in this case will directly affect the members of NAIC as well as the safety and welfare of the citizens of the states and territories they represent.

This brief is filed with the accompanying written consent of all parties to the case pursuant to Rule 36.2. It is submitted in support of Respondents.

I. INTEREST OF THE AMICUS CURIAE

NAIC is a voluntary, non-profit association of state insurance commissioners. Established in 1871, NAIC represents insurance commissioners from the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa and Guam. NAIC promotes highway safety, injury prevention and the resulting reduction of insurance costs.

Under the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. § 1381 (1976 & Sup. IV 1980) [Safety Act], whenever a federal motor vehicle standard is established, the states and their political subdivisions are prevented from adopting standards not identical to the federal standard.[1] The promulgation of federal standards thus has a direct impact on the states. The importance of the state agencies represented by NAIC also is recognized by the Safety Act's provision that the Secretary, in promulgating safety standards, shall consult with "State or interstate agencies (including legislative committees). . ." Act § 103(f)(2), 15 U.S.C. § 1392(f)(2) (1976 & Supp. IV

[1]Section 103(d) of the Act, 15 U.S.C. § 1392(d) (1976 & Supp. IV 1980), in pertinent part provides:

> Whenever a Federal motor vehicle safety standard established under this Subchapter is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect or item of equipment which is not identical to the Federal standard.

1980). The statute in this case thus explicitly recognizes that the states have an interest in federal agency action which determines national highway safety policy.

The interest of NAIC and its members in this case stems from their long-standing support of practicable automatic restraint standards which promote motor vehicle safety and reduce insurance costs. The safety standard issued in this case, Federal Motor Vehicle Safety Modified Standard 208 [Standard 208], 42 Fed. Reg. 34,289 (July 5, 1977), promulgated by the National Highway Traffic Safety Administration [NHTSA], is such a standard. A copy of NAIC's most recent resolutions on this subject are set forth in full in Exhibit A to this brief.

This interest is based upon three fundamental objectives:

> First, to promote highway safety and thus to prevent deaths and injuries involving motor vehicles;
>
> Second, to reduce the insurance and other costs incurred when practical safety devices based on existing technology are not mandatorily installed on automobiles; and
>
> Third, to assure that federal and state administrative processes be, and appear to be, fair and impartial in fulfilling the mandates of the legislatures.

These concerns arise from NAIC's recognition of, and frustration in dealing with, the increasing and unnecessary rate of death and injury which occurs on our highways:

- Each year more than 25,000 front-seat occupants of passenger cars die in highway accidents in the United States; another 2.8 million are injured,

and of these, 134,000 are seriously injured.[2] This is the specific group which would be protected by Standard 208. (C. A. App. at 59-63).

- The technology for automatic restraints is now practicable and available for installation in all new automobiles sold in the United States. Since manual belts were first required to be installed in new automobiles in 1966, the rate of their use has been low and steadily declining. In 1981, only 11% of the passenger car front-seat occupants used manual belts. (C. A. App. at 74) Proven automatic restraints under Standard 208 presently exist which, if installed in all new automobiles, would by NHTSA's estimates save between 9,800 to 12,000 lives a year and prevent from 104,000 to 117,000 serious injuries. (C. A. App. at 64-66, 1743) Not saving this number of lives is equivalent to foregoing the use of a proven preventative for half the homicides in the country each year or to foregoing the savings in life achieved by the medical advances that over the last 25 years have virtually eliminated deaths from tuberculosis. (C. A. App. at 514, testimony of Prof. William Nordhaus.)

  The costs of highway deaths and injuries have been estimated in these rulemaking proceedings to exceed $20 billion a year. (C. A. App. at 528) The net annual savings in costs realized by the installation of the automatic safety equipment mandated by Standard 208 are conservatively estimated at $2.4 billion. (C. A. App. at 511-12)

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[2]Serious injuries are defined as those involving at least a compound fracture or dislocated major joints (Joint Appendix in the Court of Appeals at 58). This Joint Appendix has been filed as part of the record before the Court and is cited as C. A. App.

> Many insurance companies regulated by the members of NAIC offer reductions in insurance premiums for automobiles with air bags. If air bags or automatic belts were required as contemplated by Standard 208, insurance rates could be substantially reduced. (C. A. App. at 522-23; *see also,* Brief of Insurance Superintendent Lewis in the court of appeals at 4-5)

NAIC's interest requires affirmance of the court of appeals' holding that the rescission of the automatic restraint provision of Standard 208 was arbitrary and capricious. *State Farm Mutual Automobile Insurance Co. v. Department of Transportation,* 680 F.2d 206 (D.C. Cir. 1982). Unless the court of appeals is affirmed, practical means to prevent highway deaths and injuries, will be limited.

NAIC is directly concerned with any practicable means of promoting highway safety and the costs of failing to do so. Therefore it seeks a negative response to the central question in this case: Given the mandate of the Safety Act to develop practicable means to meet the needs of motor vehicle safety, which NHTSA did in adopting the automatic restraint provisions of Standard 208, can the agency now disregard that mandate by revoking those provisions?

II. SUMMARY OF ARGUMENT

The Court has repeatedly emphasized that action of federal agencies must be measured in light of the pertinent statutory language. *E.g., American Textile Manufacturers Institute, Inc. v. Donovan,* 452 U.S. 490, 508 (1981). In this case, NHTSA is required by the Safety Act to "establish by order appropriate Federal motor vehicle safety standards" which "shall be practicable" and which "shall meet the need for motor vehicle safety". Act

§ 103(a), 15 U.S.C. § 1392(a) (1976 & Supp. IV 1980). In compliance with this mandate, NHTSA adopted Standard 208.

The record supports the adoption of Standard 208. It does not support rescission of the automatic restraint provisions of that standard, as attempted by Notice 25, 46 Fed. Reg. 53,419 (October 29, 1981):

- Tens of thousands of lives of front-seat passenger car occupants are lost, and millions of such people are injured in the United States each year because of highway accidents. (C. A. App. at 59-63)

- The use of automatic restraints in automobiles will dramatically increase the number of survivors and decrease the number of persons seriously injured. (C. A. App. at 64-66, 1627, 1743)

- The installation of automatic restraints in newly manufactured automobiles is both technologically and economically practicable. (C. A. App. at 511, 1734, 2065; *see,* Notice 25, C. A. App. 1 at 2; Federal Regulatory Impact Analysis, C. A. App. 16 at 33-38)

Under these circumstances, NHTSA's revocation of the automatic restraint provisions of Standard 208 is contrary to the Safety Act and the evidence before NHTSA.

The Administrative Procedure Act (APA) requires that federal agency action which is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" be set aside by the reviewing court. 5 U.S.C. § 706(2)(A) (1976). The court of appeals has found NHTSA's action to be "a paradigm of arbitrary and capricious agency action" (680 F.2d at 208). Accordingly,

it set aside the rescission of the automatic restraint provisions of Standard 208. In taking this action, the court applied the standard of review explicitly set forth by the APA in light of the evidence before NHTSA and the court.

III. ARGUMENT

A. THE SAFETY ACT'S PLAIN MEANING RENDERS UNLAWFUL THE RESCISSION OF THE AUTOMATIC RESTRAINT PROVISION OF STANDARD 208

The starting point for analyzing this case is the language of the Safety Act itself. *American Textile Manufacturers Institute, Inc. v. Donovan,* 452 U.S. 490, 508 (1981), citing *Steadman v. Securities and Exchange Commission,* 450 U.S. 91, 97 (1981), and *Reiter v. Sonotone Corp.,* 442 U.S. 330, 337 (1979). *See also,* L. JAFFE, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION, 572-573 (1965) ("clear purpose" of the statute should control judicial interpretation). Section 103(a), of the Safety Act, 15 U.S.C. § 1392(a) (1976 & Supp. IV 1980), provides,

> The Secretary shall establish by order appropriate Federal motor vehicle safety standards. Each such Federal motor vehicle safety standard shall be *practicable,* shall meet the need for motor vehicle *safety,* and shall be stated in objective terms. (Emphasis added.)

The parties agree that Congress directed the Secretary, through NHTSA, to establish federal motor vehicle standards which are practicable and meet the need for safety.[3] *See, e.g.,* Brief for Federal Parties at 2-3, Brief of Peti-

[3]The Act also requires that federal standards be stated in objective terms, a requirement which is not at issue in this case. Act § 103(a) 115 U.S. § 1392(a) (1976 & Supp. IV 1980).

tioners Motor Vehicles Manufacturers Association of the United States, Inc. *et al.* at 2.

As in *American Textile*, the plain meaning of the statute can be discerned. According to WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE, 1780 (1976), the word "practicable" means "possible to practice or perform capable of being put into practice, done, or accomplished."[4] *Accord*, THE OXFORD ENGLISH DICTIONARY, 1218 (1933), ("Capable of being put into practice, carried out into action, effected, accomplished, or done, feasible"); FUNK & WAGNALL'S NEW "STANDARD" DICTIONARY OF THE ENGLISH LANGUAGE, 1947 (1959), ("That can be put into practice; possible of execution or performance; feasible as a practicable scheme.")

The mandate of Section 1392(a) is clear. Once proven and effective automatic restraints exist and are capable of being used, the statutory test of practicability has been met. Standard 208 meets this test. Notice 25 does not. NHTSA is required to establish safety standards under the Safety Act. Once established, those standards cannot lawfully be rescinded unless circumstances are such that the Safety Act purposes are no longer met. Since there is no evidence that such circumstances exist, the automatic restraint provisions of Standard 208 cannot lawfully be rescinded. They have achieved the Safety Act's purpose and, on the record before the Court, will continue to do so.

Over more than a decade, two different types of protection requiring no action by the automobile occupant

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[4]Similarly, Webster's provides the synonyms "possible" and "feasible", the latter being considered by the Court in *American Textile*, 452 U.S. at 509.

(hence "automatic" or "passive" restraints) have been demonstrated – air bags and passive belts. The air bag-equipped cars sold by General Motors in 1978 through 1980 and by Volkswagen from 1974 to the present, and by Toyota in 1981-1982, prove that life-saving and injury prevention can be achieved as a result of the use of automatic restraints. (C. A. App. at 85, 1627, 1735). The Department of Transportation itself has affirmed that Standard 208 was practicable and met the need for motor vehicle safety:

> The agency estimates that at the current 20 percent usage rate, active seat belts prevent 3,000 deaths and approximately 38,000 serious injuries per year. A passive restraint system would increase those figures dramatically. Based on a 60 percent usage rate, passive belts would save an estimated 9,800 lives and prevent 117,000 injuries per year. An air bag system with a 20 percent lap belt usage rate in the agency's estimation will save approximately 12,000 lives and prevent 104,000 serious injuries per year. . .
>
> The compelling logic of mandating a passive restraint system is thus self-evident. . . .

Brief of Department of Transportation at 54-55, *Pacific Legal Foundation v. Department of Transportation,* 593 F.2d 1338, (D.C. Cir.), *cert. denied,* 444 U.S. 830 (1979).

The Safety Act directs NHTSA to save lives and prevent injuries by mandatory standards. Standard 208 followed that direction by requiring a specified level of front seat passenger protection without any action by the occupant. To rescind that feature of Standard 208, as attempted by Notice 25 under the facts of this case, contravenes the Safety Act's plain meaning. By following the plain mean-

ing of the statute, the Court is following the congressional mandate and thus need not determine whether the policy of regulation or deregulation is politically preferable.[5]

NHTSA has decided not to follow the plain meaning of the Safety Act. Instead, it has acquiesced in the automobile industry's efforts to thwart the effectiveness of the Safety Act. At the eleventh hour, before equipment complying with Standard 208 was to be installed, the automobile manufacturers declared they would not use the restraint equipment which had been proven effective. Instead, they offered a new, inferior design for such equipment. Rather than finding the new design not in compliance with the Safety Act and Standard 208, NHTSA revoked the automatic restraint provisions of Standard 208.[6] If the agency believed that the availability of nonconforming restraints posed a serious issue, at most, NHTSA should propose a revision or clarification of Standard 208 to prohibit the use of ineffective belts.[7]

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[5]Cost-benefit analysis, as used by NHTSA in this case, cannot under the Safety Act and the facts be justified as grounds for destroying the effectiveness of Standard 208. *Cf. American Textile*, 452 U.S. at 509-12.

[6]NAIC does not concede that NHTSA had adequate support for its conclusion that the inferior belts would not achieve enough additional usage to justify their use. The court below found this conclusion by NHTSA to be inadequately supported in the record, 680 F.2d at 230-32.

[7]NHTSA and the auto manufacturers argue that by making such a point those supporting Standard 208 are attempting to set the priorities of NHTSA by telling it when to conduct a rulemaking to correct Standard 208. (Brief of the Federal Parties at 35-40, and Brief of Petitioners, Motor Vehicle Manufacturers Association of the United States, Inc. *et al.* at 39-42.) The Safety Act, however, requires that NHTSA take action which promotes motor vehicle safety. The installation of ineffective equipment obviously is contrary to the Safety Act. NHTSA, if it is to follow the congressional mandate, must reject

Rather than supporting NHTSA's conclusion in Notice 25, the evidence unquestionably establishes that automatic restraints are necessary to meet the need for motor vehicle safety. On the record in this case, Notice 25, is contrary to the plain meaning of the Safety Act.

B. THE ADOPTION OF NOTICE 25 IS ARBITRARY AND CAPRICIOUS AND IS CONTRARY TO THE ADMINISTRATIVE PROCEDURE ACT

The Safety Act and the APA provide the standard for review in this case. The Administrative Procedure Act "shall apply to all orders establishing, amending, or *revoking* a Federal motor vehicle safety standard under this subchapter." Safety Act, § 103(b), 15 U.S.C. § 1392(b) (1976 & Supp. IV 1980) (Emphasis added.) The 1974 Amendments to the Safety Act also provide that the rulemaking provisions of Section 553 of the APA, 5 U.S.C. § 553 (1976), apply to orders establishing motor vehicle standards. 15 U.S.C. § 1410b(c)(2) (1976 & Supp. IV 1980).

Section 551(5) of the APA, 5 U.S.C. § 551(5) (1976), defines rulemaking as "agency process for formulating, amending or repealing a rule." Section 551(4) correspondingly provides that "rule" means "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy . . . or practice requirements of an

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the offer to use such equipment, there is no legal basis for any assertion that NHTSA must rescind the Standard rather than amend it. Indeed, fundamental principles of administrative law (not any novel theory) require the agency to follow the mandate of the Safety Act itself. The circumstances presented in this case, when measured in light of the guiding administrative principles, show that rescission of the automatic restraint provisions of Standard 208 is an arbitrary and capricious action which is unlawful.

agency." 5 U.S.C. § 551(4) (1976). *See also,* K. DAVIS, ADMINISTRATIVE LAW TREATISE § 7:3 at 10 (2d Ed. 1978). Under Section 706(2)(A) of the APA, "The reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law".

The APA standards for review were created to avoid the "haphazard, uncertain and variable results" existing before adoption of the APA. *Final Report of Attorney General's Committee on Administrative Procedure* (1941), *reprinted in Senate Comm. on Judiciary, Separation of Powers and The Independent Agencies: Cases and Selected Materials,* S. Doc. 91-49, 91st Cong., 1st Sess. 585, 722 (1969) [Attorney General's Report] (Additional views and recommendations of Messrs. McFarland, Stason and Vanderbilt). The Attorney General's Committee found that in reviewing agency rulemaking "[T]he central issue is one of law, involving the relation of the regulation to the governing statute." Attorney General's Report at 696.

The issue is again squarely presented: Was NHTSA's action in adopting Notice 25 consistent with the mandate of the Safety Act? The court of appeals exhaustively analyzed Notice 25, seeking to ascertain whether NHTSA's action was reasonable under the facts before it (680 F.2d at 230-39). Although Petitioners contend that there are problems with that analysis (Brief for the Federal Parties at 29-36; Brief of Petitioners Motor Vehicle Manufacturers Association of the United States, Inc. *et. al.*, at 37-45; Brief for Petitioners Consumer Alert and Pacific Legal Foundation at 16-20), it is submitted that they have not identified any respect in which the court of appeals erred in its logic or its understanding of the facts

presented. Simply put, Petitioners do not like or accept the Safety Act's mandate that *practicable* safety standards *shall* be established. That mandate has not been rescinded, however. Under these circumstances, it is submitted that the court of appeals correctly found that NHTSA acted arbitrarily in adopting Notice 25 in that:

- There is no evidence to support the conclusion that Standard 208 would not result in substantially increased seat belt utilization.
- The consequences of amending Standard 208 to eliminate compliance by detachable belts were merely superficially identified and not rationally evaluated.
- The consequences of requiring the use of air bags exclusively to comply with Standard 208 were not identified or evaluated.

More pointedly, there is no explanation of how Standard 208 *without* automatic restraint requirements would comply with the Safety Act mandate that practicable means of meeting the need for motor vehicle safety be embodied in a federal safety standard. We submit that this failure by NHTSA is itself arbitrary and capricious and hence a violation of the APA. *See Citizens to Preserve Overton Park, Inc., v. Volpe*, 401 U.S. 402 (1971); *Federal Communications Commission v. National Citizens Committee for Broadcasting*, 436 U.S. 775, 803 (1978) (dictum) ("We agree with the Court of Appeals that regulations promulgated after informal rulemaking . . . may be invalidated by a reviewing court under the 'arbitrary or capricious' standard if they are not rational and based on consideration of the relevant factors." *Id.*)

Under Section 103(b) of the Safety Act and Sections 551(5), 553 and 706(2)(A) of the APA, the scope of review

of agency action revoking a regulation must be the same as for a promulgated regulatory standard. To apply a contrary standard, as urged by the Solicitor General in this case (Brief of the Federal Parties at 22-29) would undermine the credibility of the regulatory process, particularly when the rule sought to be revoked has been subject to over thirteen years of consideration.

The issue of the scope of review for Notice 25 under the Safety Act and the APA, however, need not be reached on the facts of this case. Proven, practicable equipment exists which, if installed, will meet the need of motor vehicle safety by saving lives and preventing injury. Once these facts are conceded, as they must be on the record before the Court, the Court need not examine the record further. Section 103(a) of the Safety Act then requires affirmance of the court of appeals' holding that Notice 25 was promulgated in violation of the Safety Act and the APA and that the automatic restraint provisions of Standard 208 should be retained. This Court, moreover, has recently affirmed that it "will intervene only in what ought to be the rare instance when the. . . standard [of review] appears to have been misapprehended or grossly misapplied" by the courts of appeals. *American Textile,* 452 U.S. at 523, quoting *Universal Camera Corp. v. National Labor Relations Board,* 340 U.S. 474 (1951). The court of appeals neither misapprehended nor grossly misapplied that standard in this case.

IV. CONCLUSION

The decision of the United States Court of Appeals for the District of Columbia Circuit should be affirmed.

Respectfully submitted,

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February 7, 1983

EXHIBIT A

The following resolution was adopted by the National Association of Insurance Commissioner at its meeting on December 18, 1981:

Resolution

WHEREAS, on January 20, 1976, the NAIC adopted a resolution urging the Department of Transportation to promulgate, without further delay, Motor Vehicle Safety Standard 208 requiring passive restraints to be installed in all new cars at the earliest possible date; and

WHEREAS, in May of 1977, the Department of Transportation adopted the passive restraint standard, finding the full implementation thereof will save 9,000 lives each year and prevent hundreds of thousands of serious injuries; and

WHEREAS, the Department of Transportation found that in addition to the life savings and injury reducing benefits of the passive restraints standard, implementation thereof would produce substantial benefits to society, generally, including insurance cost savings; and

WHEREAS, many insurers currently offer discounts on first party injury coverages for passive restraint equipped cars because of the economic benefits attributable to the standard; and

WHEREAS, bodily injury liability costs will be reduced substantially over the period of time during which the passive restraint requirement is being implemented; and

WHEREAS, in October in 1977, the United States Congress refused to overturn the standard under veto authori-

ty granted to it in the Motor Vehicle Safety Act, with two-thirds of the Senate endorsing the DOT decision; and

WHEREAS, on June 12, 1978, the NAIC adopted the findings and resolutions of the Cost Containment Task Force of the Automobile Insurance (D3) Subcommittee which included, among other things, a finding that the lack of adequate crashworthiness and occupant protection has significantly contributed to the 49,000 vehicle accident deaths and 1.9 million disabling injuries in 1977, and a resolution urging that passive restraints be made available to the public earlier than required by the DOT, and that DOT continue to work to improve occupant protection in high speed crashes; and

WHEREAS, on October 23, 1981 the National Highway Traffic Safety Administration rescinded the federal passive restraint standard requiring automakers to begin installing passive seat belts or air bags in new cars; and

WHEREAS, the National Association of Independent Insurers, the nation's largest property/casualty insurance trade association, filed a motion on November 25, 1981, in the United States Court of Appeals for the District of Columbia Circuit seeking a stay of the National Highway Traffic Safety Administration rescission order pending judicial review and;

WHEREAS, the continued health, safety and well-being of all Americans using our nation's roads and highways require reinstatement of passive restraint standards at the earliest possible date;

WHEREAS, the NAIC strongly supports passive restraint standards;

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Insurance Commissioners hereby reaffirms its historical support for the passive restraint standard of the DOT and pledges strong support of the actions taken to appeal the National Highway Traffic Safety Administration rescission order.

The following resolution was adopted by the National Association of Insurance Commissioners at its June 11, 1982 meeting:

RESOLUTION COMMENDING INDUSTRY AND DEPARTMENT EFFORTS TO REVERSE THE DECISION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION RESCINDING THE FEDERAL PASSIVE RESTRAINT STANDARDS

WHEREAS, on December 18, 1981, the NAIC adopted a resolution reaffirming NAIC's historical support for the passive restraint standard of the DOT and pledging strong support of actions taken by the National Association of Independent Insurers to appeal the National Highway Safety Administration decision to rescind the federal passive restraint standards; and

WHEREAS, the Insurance Industry Highway Safety's Engineering studies show conclusively that passive restraint devices have prevented and will continue to prevent loss of life and reduce the severity of personal injuries; and

WHEREAS, State Farm Mutual Automobile Insurance Company also took steps to appeal the National Highway

Traffic Safety Administration's rescission order in which proceeding the New York Department of Insurance intervened in support of the appeal; and

WHEREAS, the continued health, safety and well-being of all Americans using our nation's roads and highways requires implementation of passive restraints standards at the earliest possible date; and

WHEREAS, the National Association of Independent Insurer's and State Farm Mutual Automobile Insurance Company's support of passive restraint standards, because of their life saving and injury reducing effects, should be commended.

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Insurance Commissioners hereby applauds and commends the National Association of Independent Insurers and the State Farm Mutual Automobile Insurance Company for their effective advocacy in seeking a reversal of the National Highway Traffic Safety Administration's rescission of passive restraint standards and urges that the National Highway Traffic Safety Administration and DOT reconsider its position and act in the public interest to require full implementation of available passive restraint technology.